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Justice Dept. Ruled Out Inquiries Into Charges of Abuses in Cults

ARA #2
PT-exhibits

By NICHOLAS M. HORROCK
Special to The New York Times

WASHINGTON, Nov. 23 — The Justice Department has rebuffed several requests by members of Congress to investigate allegations of brainwashing and physical abuse in religious cults on the ground that such investigations would violate constitutional guarantees of freedom of religion, interviews and Government correspondence have disclosed.

For at least five years the Justice Department and the Federal Bureau of Investigation have been receiving complaints that several national religious cults were using mind-controlling techniques, imprisonment and physical abuse. The charges were similar to those made against the People's Temple, some 400 of whose members perished in the mass suicide and killings in Guyana on Saturday.

Representative Leo J. Ryan, the California Democrat who was murdered in the People's Temple tragedy, was one of two Congressmen to make the most recent major appeal. In May 1977 he and Representative Robert N. Giaimo asked the Justice Department to investigate charges that several religious cults controlled their members through brainwashing.

Physical Abuse Also Noted

The Congressmen said they had evidence that physical abuse was common. They said they had also received allegations of fraudulent manipulation by such religious groups of veterans' benefits, welfare payments and the food stamp program.

In a meeting with Benjamin Civiletti, then chief of the Criminal Division of the Justice Department and now Deputy Attorney General, the two reported that they and many other members of Congress had received complaints from for-

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mer cult members and from the parents of children who had joined religious sects that members were often brainwashed and not in control of their own minds.

According to Congressional aides and members of parents' groups, the two Congressmen had also been supplied with "at least a dozen" reports of physical violence, including beatings used as a disciplinary technique by certain cults.

Mr. Giaimo arranged for the Justice Department meeting to be attended by Dr. Margaret Singer, a psychologist who was a specialist on brainwashing and who testified at the trial of Patricia Hearst, and by Prof. Richard Delgado, a lawyer who has researched the legal aspects of mind control.

The delegation, which included several Congressional staff members, reportedly gave Mr. Civiletti and other Justice Department officials a long dissertation on the problems created by a wide range of groups in this country that take young adults into private camps and training schools.

Some 10 weeks after the meeting, Mr. Civiletti reported by letter to Representative Giaimo: "It continues to be the position of the Criminal Division that allegations of 'brainwashing,' 'mind control,' 'thought reform' or 'coercive persuasion' would not support a prosecution under the Federal kidnapping statute."

His letter, prepared by Robert Keuch, a Deputy Assistant Attorney General, said the department believed that the kidnapping statute was to "outlaw interstate kidnapping."

"A prosecution could not be sustained based upon evidence that an adult of normal intelligence had been 'brainwashed' into continued association with a religious sect," the letter noted.

The department also said that allegations of this type would not be sufficient to sustain prosecution under statutes covering peonage, slavery and involuntary servitude.

Mr. Civiletti's letter also said that the Government was wary of offering legislation to deal with these problems because such laws could be "an infringement on the sect's free exercise of religion." The letter said that legal history indicated that the Government could enter these realms only if they showed a "grave and immediate danger" to the interest the Government is authorized to protect.

"Even if a sect requires its members to undergo long hours of work, training and indoctrination with limited amounts of food and sleep, it is questionable that these activities present a grave and immediate danger either to society or the members so as to warrant the imposition of Federal criminal sanctions," the letter noted.

It also said that the evidence that sect members "do not have the capacity to exercise free will" was "inconclusive."

Mr. Civiletti cited several court cases in his letter, including a criminal prosecution in New York of leaders of the Hare Krishna organization on charges that they falsely imprisoned members by "deception and intimidation."

In dismissing the case, a state court noted. "Religious proselytizing and the recruitment of and maintenance of a belief through a strict regimen, meditation, chanting, self-denial and the communication of other religious teachings cannot under our laws — as presently enacted — be construed as criminal in nature and serve as the basis for criminal indictment."

The court also said that to sustain the indictment would "open the so-called Pandora's box to a plethora of unjustified investigations, accusations and prosecutions that would go on ad infinitum to the detriment of the citizens of our state and place in jeopardy our Federal and state constitutions."

What made Mr. Civiletti's response unusual was that there was no indication that the Justice Department ever conducted a sustained investigation of allegations about mind control or brainwashing on which to base his conclusions.

In his letter of August 1977 he promised Mr. Giaimo that the F.B.I. would interview 18 persons about allegations that they had been physically abused. But Congressional staff members said they never received a report from the Justice Department on the outcome of these interviews or on whether any of the cases had produced a criminal charge.

Several parents who have "lost" adult children to religious cults said in interviews that they did not believe that the F.B.I. had followed up on any complaints of maltreatment or imprisonment. These people asked that their names not be used in published articles because they feared that their children, who are still in the various religious cults, would suffer.

Mr. Civiletti's letter is not the only instance where the department has formally said it could not open an investigation of allegations of wrongdoing by a religious cult.

In September 1976 Richard L. Thornburgh, Mr. Civiletti's predecessor and now the Governor-elect of Pennsylvania, told Representative Giaimo that before the Justice Department could open a general inquiry on a religious sect there had to be an allegation of a violation of Federal law.

But again representatives of parents groups said that when specific incidents of abuse had been brought to the attention of Federal authorities they had been told to report them to the local police because the F.B.I. had no jurisdiction on such crimes. The parents' groups complain, however, that the religious cults move their members all over the country and overseas and that they appear to be beyond the powers of many state authorities.